

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH J. CLARK,

Plaintiff

v.

LUZERNE COUNTY CORRECTIONAL
FACILITY, et al.,

Defendants

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CIVIL NO. 3:CV-05-1094

(Judge Kosik)

ORDER

____ **AND NOW, THIS 28th DAY OF NOVEMBER, 2005**, upon consideration of the facts that:

(1) Plaintiff filed this civil rights action on May 31, 2005, pursuant to 42 U.S.C. § 1983; (2) an Order was issued by the Court on June 24, 2005, directing Plaintiff to file an amended complaint in this action; (3) motions seeking reconsideration of the Order filed by Plaintiff were subsequently denied on October 26, 2005, and Plaintiff directed to file his amended complaint within ten (10) days or risk the dismissal of this action without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) (Doc. 11); and (4) the relevant time period has expired and no amended complaint or request for enlargement of time has been submitted, **IT IS HEREBY ORDERED**

AS FOLLOWS:

1. This action is dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);

2. The Clerk of Court is directed to close this case;
3. Any appeal from this Order will be deemed frivolous, without probable cause, and not taken in good faith.

s/Edwin M. Kosik
United States District Judge

EMK:lq